IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 13045 of 2004

Between:

1. Kondaveeti Thirupathamma, W/o. Chinna Thamasaya,
   R/o. H.No. 19-4-16/1, Near Kranthi I.T.I., Bhadrachalam - 507 111,
   Khammam District.
2 Kondaveeti Brahmaiah, W/o. Chinna Tamasaya,
   R/o. H.No. 19-4-16/1, Near Kranthi I.T.I., Bhadrachalam - 507 111,
   Khammam District.

..... PETITIONERS

AND

1 The Station House Officer, Bhadrachalam, Khammam District.
2 The Mandal Revenue Officer, Bhadrachalam, Khammam District.
3 The Village Secretary, Purushothapatnam Village, Khammam District.
4 Chinchu Subba Rao, S/o. Late Venkaiah,
   Purushothapatnam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or writ one in the nature of writ of mandamus, declaring the action of the respondent Nos.1 to 3 in not registering the complaint against Respondent No. 4 and not taking action as arbitrary and illegal and in violation of Article 19(1)(g) and 300-A of Constitution of India and consequently direct the respondents to take action forthwith.

Counsel for the Petitioner:SMT.N.SHOBA

Counsel for the Respondents.1 and 2: GP FOR HOME

Counsel for the Respondents 3 and 4: None appears

The Court at the admission stage made the following :

ORDER:

The petitioners' complaint to Station House Officer, I-Town Police Station, Bhadrachalam against respondents 3 and 4 was not registered under Section 154(1) of the Code of Criminal Procedure, 1973 (CrPC). Therefore, the extraordinary jurisdiction of this Court is invoked.

It is now axiomatic that when a complaint is made regarding commission of a cognizable offence, it shall be the duty of Officer-in-charge of the Police Station to register the crime and take up investigation forthwith. If such a complaint is not registered, the person aggrieved has remedy under Section 154(3) of CrPC, in which event, the Superintendent of Police, who is head of the District Unit, has to initiate action in accordance with Section 154(3) of CrPC. As the petitioners directly filed the Writ Petition in ignorance of Section 154(3) of CrPC, the Writ Petition is dismissed giving liberty to petitioners to approach the Superintendent of Police, Khammam. No costs.

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(V.V.S.RAO, J)

27.7.2004

bnr

ASSITANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintendent of Police, Khammam.

2 The Station House Officer, Bhadrachalam, Khammam District.
3 The Mandal Revenue Officer, Bhadrachalam, Khammam District.
4 The Village Secretary, Purushothapatnam Village, Khammam District.
5 2 CCs to GP for Home, High Court Bldgs., Hyderabad (OUT).

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